

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
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<b>FELHC, Inc., et. al. Request for Extension or Waiver of 700 MHz Guard Band Performance Requirement</b>	) ) ) )	<b>WT Docket No. 17-201</b>

**To: Chief, Wireless Telecommunications Bureau**

**REPLY COMMENTS  
OF FELHC, INC.**

FELHC, Inc. (“FELHC”), the license-holding subsidiary of FirstEnergy Corp. (“FE”), hereby responds to the comments filed regarding the Request for an Extension or Waiver of Substantial Service Requirement (“Request for Extension or Waiver”) submitted by FELHC jointly with BPC Spectrum LLC, Dominion 700, Inc., and Access 700, LLC (the “Licensees”).<sup>1</sup> The record in this proceeding unambiguously supports the Request for Extension or Waiver and FELHC urges the Commission to expeditiously grant the requested relief.

**I. The Record Supports Grant of the Request for Extension or Waiver**

As explained in detail in the Request for Extension or Waiver, FELHC has acquired, or is in the process of acquiring, partitioned Upper 700 MHz A Block spectrum (the “Licenses”) from the Licensees. FE plans to use the Licenses to construct a private, internal radio system to support FE's utility operations and the reliable monitoring and control of electrical equipment at thousands of locations across FE's footprint. The proposed use of the Licenses will promote the

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<sup>1</sup> See *FELHC, Inc., et. al. Request for Extension or Waiver of 700 MHz Guard Band Performance Requirement*, WT Docket No. 17-201, filed Jun. 29, 2017.

safe, effective, and reliable transmission and distribution of electricity benefiting millions of end users in FE's service territories.

Comments were filed in this proceeding by the Edison Electric Institute ("EEI"), the Utilities Technology Council ("UTC"), and pdvWireless, Inc. ("PDV"). All believe FELHC's proposal to use the Licenses is in the public interest and all strongly support grant of the Request for Extension or Waiver.

UTC aptly notes that the Commission has recognized utilities as critical infrastructure industries and has confirmed the importance of utilities for national security and public safety.<sup>2</sup> UTC is also correct that despite the importance of the services utilities provide, utilities lack access to sufficient spectrum to meet their communications needs.<sup>3</sup> The Commission has encouraged the use of the secondary markets for auctioned licenses to meet spectrum requirements, however, the auctioned bands are often encumbered by commercial carriers. However, even when auctioned spectrum may be available, as PDV states, utilities have "service areas that do not align neatly with the geographic areas in which the Commission typically auctions spectrum",<sup>4</sup> which were designed with commercial service to population centers in mind. This makes the secondary markets challenging for utilities seeking to obtain spectrum for private, internal applications.<sup>5</sup>

Not only are utilities limited in their spectrum options to meet their increasing day-to-day communications requirements but the IP transition has made the need for spectrum, and the impact of spectrum scarcity, more acute. EEI accurately describes the issue, "[a]s the IP

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<sup>2</sup> UTC Comments at 3.

<sup>3</sup> *Id.*

<sup>4</sup> PDV Comments at 3.

<sup>5</sup> *Id.*

transition moves forward and copper loops rapidly are retired, electric utilities are charged with finding replacement communications options that meet the heightened standards.”<sup>6</sup> EEI further explains that “electric utilities often find that replacement options [for copper-based services] are not available, particularly in rural and remote areas,” particularly when taking into account the required levels of redundancy and reliability.<sup>7</sup> FE, like many utilities, currently is faced with this addressing this dilemma.

In response, as detailed in the Request for Extension or Waiver, FE has undertaken a years-long effort to identify suitable and available spectrum for its operations and has determined that the Licenses are both available throughout its service territories and meet the necessary criteria for use by the company to support its system-wide utility operations. The Licenses are the only option that meet FE’s requirements. Yet, as EEI states, the Licenses carry a substantial service deadline that was set many years ago without consideration that the spectrum would be a necessary tool for one of the nation’s largest utilities to mitigate the impact of the IP transition.<sup>8</sup> Grant of the Request for Extension or Waiver is necessary to allow for equipment change-out at thousands of locations in a reasonable manner that maintains the reliability of the electric system during this transition.

## **II. CONCLUSION**

The unique factual circumstances in this case, including FE's critical need for spectrum given the technology transition, the lack of reasonable alternative spectrum options, and the unique nature of FE's critical utility operations support the requested relief. The Request for

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<sup>6</sup> EEI Comments at 1.

<sup>7</sup> EEI Comments at 2.

<sup>8</sup> *See Id.*

Extension or Waiver is clearly in the public interest as FE's private, internal communications system will support electric service for millions of consumers. There are no concerns or objections and all comments in the record support the Request for Extension or Waiver. FELHC urges the Commission to expeditiously grant the requested relief.

**Respectfully submitted,**

/s/

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**Filed: September 21, 2017**